

Appn. No. 10/712,700

Attorney Docket No. 10541-1918

**II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1 – 10 remain pending.

***Allowable Subject Matter***

The undersigned acknowledges the Examiner's indication of the allowability of claims 9 and 10. It is further acknowledged that claims 2-6 would be allowable if rewritten into independent form so as to include all of the limitations of the base claim or any intervening claims.

***Claim Rejections - 35 U.S.C. § 103(a)***

Claims 1, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,355,689 ("Hara") in view of U.S. Patent No. 5,598,887 ("Ikeda"). Applicant respectfully traverses this rejection.

When combining references to make an obviousness rejection, the combination must disclose each and every element claimed. Hara individually and when combined with Ikeda, fails to disclose or suggest the features lacking in Hara, namely two functional units (heat exchangers) adapted to be alternately operated as either a condenser or an evaporator.

Hara discloses a refrigerant circuit coupled to a ventilation system with a heat-radiating inner heat exchanger 33 and a heat-absorbing inner heat exchanger 35. Hara, col. 5, lines 13, 42-43. These heat exchangers are connected such that during all modes of operation the heat-radiating inner heat exchanger 33 always acts as a condenser and the heat-absorbing inner heat exchanger always acts as an



Appn. No. 10/712,700

Attorney Docket No. 10541-1918

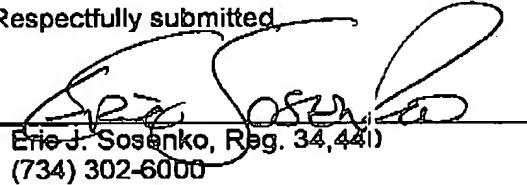
evaporator. See *Id.* at lines 19-20, 51-53 and Figure 1. Ikeda discloses a refrigerant circuit, similar to Hara, coupled to a ventilation system with a first interior heat exchanger 4 and a second interior heat exchanger 5 that are also arranged to provide dehumidification. See Ikeda, Figure 1 and col. 7, lines 13-14. During all operational modes of Ikeda, the first interior heat exchanger 4 is adapted to function as an evaporator (see *id.* at col. 6, lines 57-58, col. 7, lines 7-8, 39, and 60-61) and the second interior heat exchanger 5 is adapted to function as a condenser (see *id.* at col. 7, lines 11, 32, and 58-59). Therefore, combining Hara with Ikeda fails to disclose two heat exchangers adapted to be alternately operated as either a condenser or an evaporator.

In that Ikeda fails to disclose or suggest heat exchangers adapted to be alternately operated as either a condenser or an evaporator, which was also previously noted as being absent in Hara, it must be concluded that the combination of Hara in view of Ikeda cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

#### *Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,



Eric J. Sosanko, Reg. 34,441  
(734) 302-6000

September 16, 2004

Date



BRINKS HOFER  
GILSON &  
LIONE  
PO Box 10395  
Chicago, IL 60610